

March 30, 2023

Submitted via FOIAonline

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., Conservation Law Foundation (“CLF”) hereby requests all records as described below pertaining to the facility listed on the Environmental Protection Agency Enforcement and Compliance History Online (ECHO) website as Epping Wastewater Treatment Facility, located at 85 Lagoon Road in Epping, NH 03042 (FRS ID: 110006619230; NPDES Permit Nos.: NHG58A009, NHG580012, and NH0100692) (the facility).

We request records related to the above listed facilities as follows:

- The facility’s terminated National Pollutant Discharge Elimination System (NPDES) Permit No. NH0100692;
- Compliance documents associated with the facility’s National Pollutant Discharge Elimination System (NPDES) Permits, including but not limited to notices of noncompliance and notices of daily or monthly maximum exceedances, from March 29, 2018 to the date this request is filled;
- Monitoring reports mandated by the monitoring requirements described in the facility’s NPDES permits, including but not limited to all Discharge Monitoring Reports (DMRs) for all outfalls and annual summary reports, from March 29, 2018 to the date this request is filled;
- Any and all reports, records, and notes associated with EPA’s inspections of the facility pursuant to the Clean Water Act;
- Any and all correspondence between US EPA, NH DES, and/or the Town of Epping regarding the facility, its effects on the Lamprey River, and/or any potential corrective action plan(s);
- Consent agreements, court orders, administrative orders, corrective action plans, or other orders governing the terms or status of the facility’s compliance with its NPDES Permits, from March 29, 2018 to the date this request is filled; and
- Any and all citizen complaints associated with the facility.

Please provide the requested records in electronic format if possible. To the extent you believe any requested record is exempt from disclosure, please provide a log identifying which documents you claim are exempt, specify the exemption or privilege that you assert is applicable, and explain why you believe such exemption or privilege is applicable.

CLF requests that any fees incurred in conjunction with this request be waived, as disclosure of the requested records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii); 40 C.F.R. § 2.107(l); Mass. Gen. Laws Ann. ch. 66, § 10(d)(v) (West). CLF is a 501(c)(3) organization and is seeking this information to inform CLF members and the public, including nearby residents, about the current state of environmental permitting and compliance at the facilities listed above.

Communications is an integral part of CLF's advocacy. We have a professional communications team that develops multi-media strategic communications plans for our initiatives and campaigns designed to deliver our message on multiple platforms to reach and engage diverse audiences. Communications tactics may include traditional media outreach, opinion pieces, blogs, features, and the creation and distribution of visual content to build a strong narrative, and raise public awareness. We also disseminate environmental news and analysis by our staff of experts to CLF members throughout New England via our website and email communications. In 2020 our website had 358,214 visits. In addition, as of February 2021, our email list is approximately 38,000 people, our Facebook audience is 20,943, on Twitter, CLF has 8,822 followers, on LinkedIn, we can reach 2,210 followers, and on Instagram, we have 1,366 followers. In 2020, CLF was quoted in the media 3,277 times in outlets including The Boston Globe, WBUR, Our Daily Planet, Chelsea Record, and many others.

In the event that our request for a fee waiver is denied, we request that the total cost be minimized by providing the information in electronic format. Also, if fees are assessed, please provide in advance a written, itemized, good faith estimate of such fees. *Id.* at 32.07(2)(b).

I appreciate your prompt response. Please do not hesitate to contact me at ehsi@clf.org if you have any questions. Thank you for your assistance with this request.

Sincerely,

Ethan Hsi
Paralegal, Clean Air and Water
Conservation Law Foundation